

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 12-20372

v.

Hon. John Corbett O'Meara

CARL WASHINGTON,

Defendant.

**ORDER DENYING MOTION
TO DISMISS INDICTMENT**

Defendant Carl Washington, appearing pro se for the purpose of this motion, filed a motion to dismiss the indictment. See Docket Nos. 414-15. Defendant contends that the criminal complaint and arrest warrant were issued without probable cause, forged, and are invalid because they are located on a separate docket (see Case No. 12-30470). The court finds nothing amiss or unusual about the complaint and arrest warrant, which are supported by an affidavit presenting ample probable cause. Further, any alleged defect in the complaint or arrest warrant was remedied by the Second Superseding Indictment, filed August 8, 2012, which also establishes probable cause. See Denton v. U.S., 465 F.2d 1394, 1395 (5th Cir. 1972) (“[T]he grand jury indictment of Denton following his arrest remedied any defect in the complaint and arrest warrant.”); Higgason v. Stephens,

288 F.3d 868, 877 (6th Cir. 2002) (“[I]t has long been settled that ‘the finding of an indictment, fair upon its face, by a properly constituted grand jury, conclusively determines the existence of probable cause for the purpose of holding the accused to answer.’”).

Defendant also argues that the length of his detention pending trial amounts to a due process violation. The court notes that Defendant consented to detention and has entered into multiple stipulations to adjourn trial, most recently to continue plea negotiations and to contend with voluminous discovery. See Docket No. 416. Moreover, Defendant has not shown that the length of his detention warrants dismissal of the indictment, as opposed to reconsideration of his detention pending trial. With trial scheduled for June 13, 2017, the court finds no basis for such reconsideration at this time.

For these reasons, IT IS HEREBY ORDERED that Defendant’s motion to dismiss the indictment is DENIED.

s/John Corbett O’Meara
United States District Judge

Date: May 8, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, May 8, 2017, using the ECF system.

s/William Barkholz
Case Manager